

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

Philip DOMENICO

Original Patent No.: 5,928,671

Issued: July 27, 1999

For: **METHOD AND COMPOSITION FOR INHIBITING BACTERIA**

Assistant Commissioner for Patents
Washington, D.C. 20231

**COMBINED DECLARATION AND POWER OF
ATTORNEY FOR REISSUE PATENT APPLICATION**

As the below named inventor, I hereby declare my residence, post office address and citizenship are as stated below next to my name, that I verily believe that I am the original and sole inventor of the subject matter which is claimed in Letters Patent 5,928,671 ("the Original Patent") issued July 27, 1999, and for which a reissue application is sought on the invention entitled "METHOD AND COMPOSITION FOR INHIBITING BACTERIA," the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the specification, including the claims, of the above-identified reissue application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with title 37 C.F.R. §1.56.

I believe the Original Patent to be partly inoperative by reason of my claiming more than I had a right to claim through error.

The specific error relied upon is that claim 1 may be anticipated by the following reference: Friedhim, "Therapeutically Active Bismuth Organic Compounds," Chemical Abstract Vol. 49 at column 15946 (1955). This reference was submitted in an Information Disclosure Statement on April 12, 1999, prior to the payment of the Issue Fee, with a certification that it was not known to Applicant more than three (3) months from the April 12, 1999 date. However, the Examiner indicated in an August 17, 1999 Communication that the Information Disclosure Statement was received too late for consideration.

Said error in the patent which has been corrected in the present reissue application arose without any deceptive intention on the part of the applicant.

I hereby appoint Ostrolenk, Faber, Gerb & Soffen and members of the Firm, Samuel H. Weiner, Reg. No. 18,510; Jerome M. Berliner, Reg. No. 18,653; Robert C. Faber, Reg. No. 24,322; Edward A. Meilman, Reg. No. 24,735; Stanley H. Lieberstein, Reg. No. 22,400; Steven I. Weisburd, Reg. No. 27,409; Max Moskowitz, Reg. No. 30,576; Stephen A. Soffen, Reg. No. 31,063; James A. Finder, Reg. No. 30,173; William O. Gray, III, Reg. No. 30,944; Louis C. Dujmich, Reg. No. 30,625; and Douglas A. Miro, Reg. No. 31,643, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent and Trademark Office connected therewith and to receive all correspondence.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Date: X 2/7/2005



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